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# STATEMENT UNDER 37 CFR 1.97(e) ACCOMPANYING 1 3 2005 INFORMATION DISCLOSURE STATEMENT

Docket No. UC03-118-3

In Re Application Of: PEIDONG YANG et al.

Application No. Filing Date Examiner Customer No. Group Art Unit Confirmation No. 10/731,745 12/08/2003 8156 1762 5099

Invention: SACRIFICIAL TEMPLATE METHOD OF FABRICATING A NANOTUBE

## **COMMISSIONER FOR PATENTS:**

This is a statement under the provisions of 37 CFR 1.97(e) in the above-identified application.

Check applicable statement herebelow:

## Statement Under 37 CFR 1.97(e)(1)

Each item of information contained in the accompanying Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the Information Disclosure Statement.

## Statement Under 37 CFR 1.97(e)(2)

□ No item of information contained in the accompanying Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the undersigned person, after making reasonable inquiry, no item of information contained in the accompanying Information Disclosure Statement was known to any individual designated in 37 CFR 1.56(c) more than three months prior to the filing of the Information Disclosure Statement.

Signature

JOHN P. O'BANION O'BANION & RITCHEY LLP 400 CAPITOL MALL, SUITE 1550 SACRAMENTO, CA 95814 (916) 498-1010 Dated: MAY 31, 2005

## Certificate of Mailing by First Class Mail

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MAY 31, 2005

(Date)

Signature of Person Mailing Correspondence

JOHN P. O'BANION

Typed or Printed Name of Person Mailing Correspondence



## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

PEIDONG YANG et al.

PADERATINO.

10/731,745

iling Date:

December 8, 2003

Title:

SACRIFICIAL TEMPLATE METHOD OF FABRICATING A NANOTUBE

Group:

Examiner:

Docket No.:

UC03-118-3

Cust. No.:

8156

**Commissioner for Patents** 

P.O. Box 1450

Alexandria, VA 22313-1450

### INFORMATION DISCLOSURE STATEMENT

#### Section 1. **Preliminary Statements**

Applicants submit herewith patents, publications or other information of which they are aware, which they believe may be material to the examination of this application and in respect of which there may be a duty to disclose in accordance with 37 CFR 1.56.

The filing of this information disclosure statement shall not be construed as a representation that a search has been made (37 CFR 1.56(g)), an admission that the information cited is, or is considered to be, material to patentability or that no other material information exists.

The filing of this information disclosure statement shall not be construed as an admission against interest in any manner. Notice of January 9, 1992, 1135 O.G. 13-25, at 25.

#### Form PTO/SB/08A-PTO/SB/08B (substitute for Form 1449) Section 2.

FORM PTO/SB/08A-PTO/SB/08B IS BEING SUBMITTED HEREWITH IN \_\_\_\_1 PAGE(S).

#### Section 3. Copies of Listed Information Items Accompanying This Statement

Legible copies of all items listed accompany this information disclosure statement are enclosed, except for U.S. patents and published applications.

Section 4.

Signature of Attorney

Dated:

John P. O'Banion, Reg. No. 33,201 O'BANION & RITCHEY LLP 400 Capitol Mall, Suite 1550 Sacramento, CA 95814

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## **CERTIFICATION UNDER 37 CFR 1.8**

I hereby certify that the foregoing:

Information Disclosure Statement (1 page)

JOHN P. O'BANION

(Type or print name of person mailing paper)

(Signature of person mailing paper)

PTO/SB/08A (08-03)

Approved for use through 07/31/2006. OMB 0651-0031
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Substitute for form 1449/PJO

Sheet 1

INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(Use as many sheets as necessary)

Complete if Known				
Application Number	10/731,745			
Filing Date	DECEMBER 8, 2003			
First Named Inventor	PEIDONG YANG			
Art Unit	1762			
Examiner Name				
Attorney Docket Number	UC03-118-3			

			U. S. PATENT	DOCUMENTS	
Examiner Initials*	Cite No.1	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code <sup>2 (f known)</sup>			1 igures Appear
		<sup>US-</sup> 2002/0175408 A1	11/28/2002	Majumdar et al.	
		<sup>US-</sup> 2004/0175844 A1	09/09/2004	Yang et al.	
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FOREIGN PATENT DOCUMENTS						
Examiner Initials*	Cite No.1	Foreign Patent Document	Publication Date	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages	
		Country Code <sup>3</sup> Number <sup>4</sup> Kind Code <sup>5</sup> (if known)	MM-DD-YYYY		Or Relevant Figures Appear	T⁰
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Examiner	Date	
Signature	Considered	

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. <sup>1</sup>Applicant's unique citation designation number (optional). <sup>2</sup>See Kinds Codes of USPTO Patent Documents at <a href="https://www.uspto.gov">www.uspto.gov</a> or MPEP 901.04. <sup>3</sup> Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup>Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. <sup>6</sup>Applicant is to place a check mark here if English language Translation is attached.

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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# **CERTIFICATION UNDER 37 CFR 1.8**

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Information Disclosure Statement by Applicant (Form PTO/SB/08A) (1 page)

with sufficient postage as first class mail in an envelope addressed to the:

Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

JOHN P. O'BANION

(Type or print name of person mailing paper)

(Signature of person mailing paper)